



**City of New Orleans**  
Mayor LaToya Cantrell

## **MEETING INFORMATION**

### **LOCATION\***

Livestream at:

[http://cityofno.granicus.com/viewPublisher.php?view\\_id=2](http://cityofno.granicus.com/viewPublisher.php?view_id=2)

### **TIME**

10:00 a.m.

### **BOARD MEMBERS**

Candice M. Forest – Chair  
Todd C. James – Vice Chair  
Tamara Agins  
José Alvarez  
Jaime Ramiro Diaz  
Alfonso Gonzalez II  
Matthew Rufo

The general public cannot speak with the members personally.

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# **Board of Zoning Adjustments**

## **Draft Agenda (Revised)**

**July 19, 2021**

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The Board of Zoning Adjustments hereby certifies that it will convene a meeting on July 19, 2021 electronically via Zoom in accordance with the provisions of La. R.S. 42:17.1(A)(2)(a)-(c).

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The Board of Zoning Adjustments consists of seven citizen members appointed by the Mayor and approved by the City Council. The City Charter grants the Board the power to permit exceptions to or variations from the City's zoning regulations and to hear decision appeals from the Director of the Department of Safety and Permits in accordance with the principles, conditions, and procedures set forth in Article 4 of the City's Comprehensive Zoning Ordinance. The decision made by the Board will be provided in the form of a resolution. The resolution should be produced by **July 29, 2021**

### **GENERAL RULES OF ORDER**

Robert's Rules of Order govern the conduct of the meeting. In light of the virtual meeting format, any member of the public may provide written comment via a digital speaker card, in lieu of spoken public comment, during the meeting not to exceed two (2) minutes on any matter before the Board. A moderator will read comments into the record. The digital speaker card will be available the morning of the meeting on the City's website: <https://nola.gov/city-planning/announcements/>

### **APPEALS**

Any person or persons, or any officer, department, commission, board, bureau, or any other agency of the City of New Orleans jointly or singularly aggrieved by any decision of the Board of Zoning Adjustments may present to the Civil District Court of the Parish of Orleans, within thirty (30) days after filing of the decision in the office of the Board, a writ of certiorari asking for such relief and under such rules and regulations as are provided for such matters in appropriate legislation of the State of Louisiana.

### **PUBLIC COMMENT**

**Should you wish to view an application you may do so online at [onestopapp.nola.gov](http://onestopapp.nola.gov).** The requested waivers are subject to change prior to the hearing. Written comments on any of the matters included on the agenda are accepted in the following ways:

- Email (**preferred**): The planner listed on the agenda or [CPCinfo@nola.gov](mailto:CPCinfo@nola.gov)
- Mail: 1300 Perdido Street, Room 7W03, New Orleans, Louisiana 70112

All written correspondence should include the docket number and be made to the attention of the assigned planner or the staff of the Board of Zoning Adjustments. The deadline for receipt of public comment for transmittal to the Board in advance of the meeting is **no later than 5:00 p.m. on Monday, July 12, 2021.**



**A. Call to Order, Roll Call, Adoption of Minutes, Communications, and Reading of Hearing Rules**

**Special Public Hearing Rules for Board of Zoning Adjustments Hearings held via Video Conference**

**A. Order of Business.** The order of business at the hearing shall be as follows:

- a. Call to order and roll call, with recording of members present.
- b. Approval of Minutes
- c. Reading and Adoption of the Hearing Rules
- d. Presentation of Dockets.
  - i. Staff Presentation
  - ii. Applicant Presentation
  - iii. Questions from Members
- e. Recess for 30 minutes
- f. Consideration of Dockets
  - i. Public Comment
  - ii. Rebuttal by Applicant
  - iii. Questions from Members
  - iv. Voting
- g. Any Other Matters
- h. Adjournment

**B. Presentation of Dockets.** The order of business for each docket shall be as follows:

- a. **Presentation by the City Planning Commission staff or the Department of Safety and Permits staff;**
- b. **Presentation by the Applicant or their representative;** The appellant or applicant may appear on their behalf or be represented by a duly authorized agent. Only one representative may speak on behalf of a request and must pre-register with the staff of the City Planning Commission. Other representatives or speakers may sign up to provide comments during the public comment portion of the meeting. The applicant shall be allowed a maximum of five (5) minutes.
- c. **Questions from Members.** The members have an opportunity to ask questions of the staff or applicant.

**C. Recess.** The Board shall take a 30-minute recess to allow members of the public to submit comments.

**D. Public Comment.**

- a. **Rules.** Only written public comment will be allowed. Live public comment will not be allowed. No member of the public may submit more than one written comment per agenda item.
- b. **Time allowed for public comment.** The public comment form will be made available at the start of the meeting and will close at the end of the 30-minute recess.
- c. **Form.** Public comments must be submitted electronically on the form provided by the City Planning Commission. Any comment missing this information will not be read aloud. Each submission must contain:
  - i. The commenter's first and last name,
  - ii. The commenter's address,
  - iii. Whether the commenter is being paid in connection with his or her comments,
  - iv. The agenda item



- d. **Reading of Public Comments.** A moderator will read into the record all comments pertaining to that item that have been submitted in accordance with these rules. Comments will be read aloud in a normal speaking voice. The moderator will discontinue reading a comment once it exceeds two (2) minutes.
- E. **Rebuttal by Applicant.** Following the public comment period, if there is opposition the authorized representative of the application is allowed a rebuttal not to exceed five (5) minutes.
- F. **Questions from Members.** Following the public comment and rebuttal, the members have an opportunity to ask questions of the staff or applicant.
- G. **Voting.**
  - a. **Making a motion.** The member making a motion shall clearly state their name when making a motion. For example, "I, (insert name), move to approve/deny/ the request."
  - b. **Seconding a motion.** The member seconding a motion shall clearly state their name when seconding the motion. For example, "I, (insert name), second the motion made by (other member)."
  - c. **Statement by Chair.** The chair will restate the motion, confirming who made and seconded the motion.
  - d. **Voting.** The chair will request a verbal vote from each member by roll call. Each member will indicate "Yea" to vote in support of the motion, or "Nay" to vote in opposition.



**A. Unfinished Business – Variances****Item 1 – Docket Number: 042-21**

**Applicant or Agent:** Tracie L. Ashe, Nicole Webre  
**Property Location:** 815 Alvar Street **Zip:** 70117  
**Bounding Streets:** Alvar St., Dauphine St., Bartholomew St., Burgundy St.  
**Zoning District:** HMR-3 Historic Marigny/Tremé/Bywater Residential District  
**Historic District:** Bywater **Planning District:** 7  
**Existing Use:** Single-Family Residence **Square Number:** 242  
**Proposed Use:** Single-Family Residence **Lot Number:** 1 and 2  
**Project Planner:** Valerie Goines ([valerie.goines@nola.gov](mailto:valerie.goines@nola.gov))

**Request:** This request is for a variance from the provisions of Article 21, Section 21.6.T.1 of the Comprehensive Zoning Ordinance to permit an addition to an existing single-family residence resulting in mechanical equipment located in the front yard.

**Requested Waiver:****Article 21, Section 21.6.T.1 – Mechanical Equipment**

Required: Located only in an interior side or rear yard

Proposed: Located in a front yard

Waiver: Located in a front yard

**Item 2 – Docket Number: 055-21**

**Applicant or Agent:** Christopher J. Haydel, Charles Neyrey  
**Property Location:** 905 Moss Street **Zip:** 70119  
**Bounding Streets:** N. Norman C. Francis Pkwy. or Moss St., Dumaine St., Harding Dr., St. John Ct.  
**Zoning District:** HU-RD1 Historic Urban Two-Family Residential District  
**Historic District:** Parkview **Planning District:** 5  
**Existing Use:** Vacant Lot **Square Number:** 469  
**Proposed Use:** Two-Family Residence **Lot Number:** 1-A  
**Project Planner:** Emily Ramírez Hernández ([erhernandez@nola.gov](mailto:erhernandez@nola.gov))

**Request:** This request is for a variance from the provisions of Article 11, Section 11.3.A.1 (Table 11-2A) of the Comprehensive Zoning Ordinance to permit the construction of a two-family residence with excessive building height.

**Requested Waiver:****Article 11, Section 11.3.A.1 (Table 11-2A) – Building Height**

Permitted: 35 ft

Proposed: 38 ft, ¾ in

Waiver: 3 ft, ¾ in





**B. New Business – Variances**

**Item 3 – Docket Number: 056-21**

<b>Applicant or Agent:</b>	Paulo S. Diniz, Constance C. Diniz	
<b>Property Location:</b>	2631 Urquhart Street	<b>Zip:</b> 70117
<b>Bounding Streets:</b>	Urquhart St., Port St., N. Villere St., Franklin Ave.	
<b>Zoning District:</b>	HU-RD2 Historic Urban Two-Family Residential District	
<b>Historic District:</b>	N/A	<b>Planning District:</b> 7
<b>Existing Use:</b>	Vacant Lot	<b>Square Number:</b> 519
<b>Proposed Use:</b>	Single-Family Residence	<b>Lot Number:</b> 8-A
<b>Project Planner:</b>	Valerie Goines ( <a href="mailto:valerie.goines@nola.gov">valerie.goines@nola.gov</a> )	

**Request:** This request is for variances from the provisions of Article 21, Section 21.7 (Table 21-2) of the Comprehensive Zoning Ordinance to permit the construction of a single-family residence with eaves that encroach less than two feet from a lot line.

**Requested Waivers:**

**Article 21, Section 21.7 (Table 21-2) – Permitted Encroachments into Required Yards (Eaves) – Port Street Side**

Required: 2 ft	Proposed: 1 ft	Waiver: 1 ft
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**Article 21, Section 21.7 (Table 21-2) – Permitted Encroachments into Required Yards (Eaves) – Franklin Avenue Side**

Required: 2 ft	Proposed: 1 ft	Waiver: 1 ft
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**Item 4 – Docket Number: 057-21**

**Applicant or Agent:** Paulo S. Diniz, Constance Diniz  
**Property Location:** 2635 Urquhart Street **Zip:** 70117  
**Bounding Streets:** Urquhart St., Port St., N. Villere St., Franklin Ave.  
**Zoning District:** HU-RD2 Historic Urban Two-Family Residential District  
**Historic District:** N/A **Planning District:** 7  
**Existing Use:** Vacant Lot **Square Number:** 519  
**Proposed Use:** Single-Family Residence **Lot Number:** 9-A  
**Project Planner:** Valerie Goines ([valerie.goines@nola.gov](mailto:valerie.goines@nola.gov))

**Request:** This request is for variances from the provisions of Article 11, Section 11.3.A.1 (Table 11-2) and Article 21, Section 21.7 (Table 21-2) of the Comprehensive Zoning Ordinance to permit the construction of a single-family residence with insufficient corner side yard setback and eaves that encroach less than two feet from a lot line.

**Requested Waivers:****Article 11, Section 11.3.A.1 (Table 11-2) – Corner Side Yard Setback**

Required: 3.225 ft                      Proposed: 2 ft                      Waiver: 1.225 ft

**Article 21, Section 21.7 (Table 21-2) – Permitted Encroachments into Required Yards (Eaves) – Port Street Side**

Required: 2 ft                      Proposed: 1 ft                      Waiver: 1 ft

**Article 21, Section 21.7 (Table 21-2) – Permitted Encroachments into Required Yards (Eaves) – Franklin Avenue Side**

Required: 2 ft                      Proposed: 0 ft                      Waiver: 2 ft

**Item 5 – Docket Number: 058-21**

**Applicant or Agent:** Gaslight Properties, LLC, Jonathan R. Sherman, Michael Ball  
**Property Location:** 19 Newcomb Boulevard **Zip:** 70118  
**Bounding Streets:** Newcomb Blvd., St. Charles Ave., Audubon Blvd., Freret St.  
**Zoning District:** HU-RS Historic Urban Single-Family Residential District  
**Historic District:** Uptown **Planning District:** 3  
**Existing Use:** Single-Family Residence **Square Number:** -1, 1  
**Proposed Use:** Single-Family Residence **Lot Number:** 78, 79, 80  
**Project Planner:** Emily Ramírez Hernández ([erhernandez@nola.gov](mailto:erhernandez@nola.gov))

**Request:** This request is for a variance from the provisions Article 11, Section 11.3.A.1 of the Comprehensive Zoning Ordinance to permit an addition to a single-family residence resulting in insufficient interior side yard setback.

**Requested Waiver:****Article 11, Section 11.3.A.1 – Interior Side Yard Setback**

Required: 7.057 ft                      Proposed: 3 ft                      Waiver: 4.057 ft





**Item 6 – Docket Number: 059-21**

**Applicant or Agent:** Fred O. Tharp, Debra Devenport Tharp  
**Property Location:** 329 N. Tonti Street **Zip:** 70119  
**Bounding Streets:** N. Tonti St., Conti St., N. Rocheblave St., Bienville St.  
**Zoning District:** HU-RD2 Historic Urban Two-Family Residential District  
**Historic District:** Mid-City **Planning District:** 4  
**Existing Use:** Single-Family Residence **Square Number:** 306  
**Proposed Use:** Single-Family Residence **Lot Number:** A-1-C  
**Project Planner:** Rachael Berg ([rberg@nola.gov](mailto:rberg@nola.gov))

**Request:** This request is for variances from the provisions of Article 21, Section 21.6.H.3 and Article 21, Section 21.6.H.5 of the Comprehensive Zoning Ordinance to permit the construction of a carport with insufficient projection from an interior side lot line and that is enclosed on an interior side yard.

**Requested Waivers:****Article 21, Section 21.6.H.3 – Carport (Projection)**

Required: 2 ft	Proposed: 0 ft	Waiver: 2 ft
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**Article 21, Section 21.6.H.5 – Carport (Unenclosed)**

Required: Unenclosed	Proposed: Enclosed	Waiver: Enclosed
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**Item 7 – Docket Number: 060-21 (Automatically Deferred to the August 16 Meeting)**

**Applicant or Agent:** Amer Mohammed  
**Property Location:** 2315-2317 N. Robertson Street **Zip:** 70117  
**Bounding Streets:** N. Robertson St., Spain St., N. Claiborne Ave., Mandeville St.  
**Zoning District:** HU-RD2 Historic Urban Two-Family Residential District  
**Historic District:** N/A **Planning District:** 7  
**Existing Use:** Single-Family Residence **Square Number:** 642  
**Proposed Use:** Two-Family Residence **Lot Number:** 2  
**Project Planner:** TBD

**Request:** This request is for a variance from the provisions of Article 21, Section 21.6.AA.1 of the Comprehensive Zoning Ordinance to permit the conversion of a single-family residence to a two-family residence and an addition with a porch with insufficient setback from a side lot line (**AFTER THE FACT**).

**Requested Waiver:****Article 21, Section 21.6.AA.1 – Porches and Steps and Stoops (Porch Encroachment/Setback)**

Required: 2 ft	Proposed: 10 in	Waiver: 1 ft, 2 in
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**Item 8 – Docket Number: 062-21**

<b>Applicant or Agent:</b>	2377 Rousseau LLC	
<b>Property Location:</b>	2377 Rousseau Street	<b>Zip:</b> 70130
<b>Bounding Streets:</b>	Rousseau St., First St., St. Thomas St., Soraparu St.	
<b>Zoning District:</b>	MU-1 Medium Intensity Mixed-Use District	
<b>Historic District:</b>	Irish Channel	<b>Planning District:</b> 2
<b>Existing Use:</b>	Vacant Lot	<b>Square Number:</b> 46
<b>Proposed Use:</b>	Single-Family Residence	<b>Lot Number:</b> B
<b>Project Planner:</b>	Joseph Colón ( <a href="mailto:jacolon@nola.gov">jacolon@nola.gov</a> )	

**Request:** This request is for variances from the provisions of Article 22, Section 22.8.B.1, Article 22, Section 22.11.D.1, Article 22, Section 22.11.D.2, and Article 22, Section 22.11.D.3 of the Comprehensive Zoning Ordinance to permit the construction of a single-family residence with a parking space in the front yard and a driveway with insufficient setback from the interior side lot line.

**Requested Waivers:**

**Article 22, Section 22.8.B.1 – Permitted Vehicle Parking Locations (Front Yard)**

Required: No front yard parking

Provided: Front yard parking

Waiver: Front yard parking

**Article 22, Section 22.11.D.1 – Parking Pad Location**

Required: No front yard parking

Proposed: Front yard parking

Waiver: Front yard parking

**Article 22, Section 22.11.D.2 – Parking Pad Design (Location)**

Required: No parking space in front yard

Provided: Parking space in front yard

Waiver: Parking space in front yard

**Article 22, Section 22.11.D.3 – Parking Pad Design (Location)**

Required: 3 ft

Provided: 1 ft, 6 in

Waiver: 1 ft, 6 in





**C. New Business – Director of Safety and Permits Decision Appeals****Item 9 – Docket Number: 061-21**

**Applicant or Agent:** Andrew Associates LLC, Valerie B. Marcus, Michael Schneider, Stone Pigman  
Walther Wittman, LLC

**Property Location:** 3401 St. Charles Avenue **Zip:** 70115

**Bounding Streets:** St. Charles Ave., Louisiana Ave., Carondelet St., Delachaise St.

**Zoning District:** HU-MU Historic Urban Mixed-Use

**Historic District:** Garden District, Saint Charles Avenue **Planning District:** 2

**Existing Use:** Subject of Request **Square Number:** 424

**Proposed Use:** Mixed-Use (Multi-Family Residence/Commercial) **Lot Number:** A-B PTE

**Request:** This is an appeal of a decision of the Director of the Department of Safety and Permits, as per Article 4, Section 4.8 of the Comprehensive Zoning Ordinance, regarding the determination that the six dwelling units on the ground floor of Building A are subject to the multi-family dwelling lot area per dwelling unit standard and not the above the ground floor dwelling lot area per dwelling unit standard.

**D. Any Other Matters – New Business****Item 10 – Consideration: Election of Officers****E. Adjournment**